

REMARKS

Status of Claims

Claims 1-20 are pending in the application. Claims 1, 2, 4-10 and 13-20 stand rejected. Claims 3, 11 and 12 stand objected to. Favorable reconsideration is respectfully requested in light of the following amendments and remarks.

Allowable Subject Matter

The Examiner states that claims 3, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. While Applicants agree that these claims include allowable subject matter for the reasons cited below, it is suggested that the Examiner consider U.S. Patent No. 5,318,990, specifically col. 3, lines 53-58.

Claim Objections

The Examiner states that claim 15 (a process claim) stands objected to as being dependent on claim 14 (a product claim).

Applicants have canceled claim 15 herein and respectfully request that the objection to claim 15 be withdrawn.

U.S. 5,661,214 Arkens et al.

In the co-pending PCT application (PCT/US02/16958), U.S. Patent 5,661,214 (Arkens et al.) was cited in the Written Opinion dated 14 April 2003. Applicants submit herein an Information Disclosure Statement under 37 CFR 1.97(c) which includes the '214 reference.

Applicants have amended claims 1 and 5 to include a mineral oil dust suppressing agent in the composition (the subject matter of claim 11, canceled herein). Applicants have further amended to claim to include, "...and sufficient water to

provide a mixture comprising up to 98 wt-% water based on the total weight of solids in the mixture.” No new matter has been added and support for this amendment can be found in the specification at page 5, paragraph 1.

There is no disclosure in U.S. 5,661,214 of a fiberglass insulation binder comprising a polyhydroxy polymer binder, a polyhydroxy crosslinking agent, a surfactant, and a mineral oil dust suppressing agent. Further, the Examiner has indicated that the subject matter of claim 11 contains allowable subject matter.

U.S. 5,661,214 teaches applying the binder to the nonwoven fabric after the fibers (in the fabric) have been formed (see col. 8, lines 37-41). Applicants have amended claim 18 to include the steps forming a glass fiber mat, specifically including the step of applying the claimed binder mixture as the glass fibers are being formed and the volatilization of the water in the binder. Nowhere does U.S. 5,661,214 disclose applying binder to the fibers as they are being formed and volatilizing the water in the composition as the glass fiber mat is formed. U.S. 5,661,214 specifically teaches that the binder composition is waterborne after it is applied to the nonwoven (col. 8, lines 42-43). No new matter has been added and support for the amendments can be found in the disclosure at page 6, lines 20-33.

For the reasons above, the present invention is novel over the 5,661,213 reference.

Claim Rejections

Claims 1, 2, 4-8, 13, and 14 stand rejected under 35 U.S.C. §102(a) as being anticipated by Reck (6,099,773).

Claims 15-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reck (6,099,773) in view of Arkens (5,763,424).

Claims 15-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reck (6,099,773) in view of Reck (6,348,530).

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reck (6,099,773) in view of Schell (6,646,207).

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reck (6,099,773) in view of Arkens (5,763,524) as applied to claims 1, 2, 4-8, 13-20 above, and further in view of Schell (5,646,207).

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reck (6,099,773) in view of Reck (6,348,530) as applied to claims 1, 2, 4-8, 13-20 above, and further in view of Schell (5,646,207).

The Examiner has indicated that the subject matter of claim 11 contains allowable subject matter. Applicants have amended claims 1 and 5 to include a mineral oil dust suppressing agent in the composition (the subject matter of claim 11, canceled herein). Claims 2-4, 6-14 and 18-20 ultimately depend from newly amended claim 1 or newly amended claim 5 and contain the limitations thereof. Applicants respectfully request that the rejection of claims 1, 2, 4-10, 13-20 be withdrawn.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-13 and 16-20 at an early date is solicited. If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicant's agent at the number listed below.

Applicant authorizes any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen W. Barns', written over a horizontal line.

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